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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixtieth session

SUMMARY RECORD OF THE 1511th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 14 March 2002, at 3 p.m.

Chairman: Mr. PILLAI (Vice-Chairman)

later: Mr. DIACONU (Chairman)

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Eighth to fifteenth periodic reports of Jamaica (CERD/C/383/Add.1; CERD/C/117/Add.4; HRI/CORE/1/Add.82)

1. At the invitation of the Chairman, Mr. Smith and Ms. Betton (Jamaica) took places at the Committee table.

2. Mr. SMITH (Jamaica) said that his country recognized the importance of the Committee in ensuring that States parties to the Convention promoted and protected human rights without distinction. It was committed to its reporting obligations under the Convention, and to that effect, steps had been taken at national level to put into place an inter-agency body to expedite the consultative and preparatory process for reports. Jamaica had actively participated in the Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and had been part of the consensus reflected in its Declaration and Plan of Action. Since the consideration of its previous report, Jamaica had continued to build a multiracial society based on racial tolerance and harmony. There had been an absence of ethnic tension and strife and other indications of racial disharmony. Despite a lengthy period of economic difficulty, the cohesive racial fabric of its society had remained intact.

3. In the past, the Committee had urged Jamaica to withdraw its reservation to article 4 of the Convention. In that reservation, Jamaica had stressed that its Constitution guaranteed every person the fundamental rights and freedoms contained therein, irrespective of race or place of origin, and provided for judicial procedures for seeking redress if those fundamental rights and freedoms were violated. The constitutional review on whether to withdraw the reservation, about which the Committee had been informed during consideration of Jamaica's previous report, had not yet been concluded.

4. One pertinent piece of legislation that had been enacted was the Public Defenders (Interim) Act 1999 setting up the office of Public Defender, who was vested with investigatory powers for protecting and enforcing the rights of citizens. It was anticipated that the constitutional review process would address some of the issues raised by the Committee, inter alia by providing for a Ratification of Treaties Act to ensure that the obligations under treaties which Jamaica ratified were incorporated into domestic legislation.

5. The Committee had also expressed concern about the lack of data reflecting the ethnic composition of Jamaica's unemployed and its prison population. He reiterated that data on ethnic or racial lines were not compiled and were therefore unavailable. As to the request for statistics on the number of racial discrimination cases brought before the Jamaican courts, he said that there had been none to date.

6. Mr. RESHETOV (Country Rapporteur), thanking the delegation for its introductory remarks, referred to Jamaica's reservation to article 4 of the Convention, in which it had stated that ratification did not imply the acceptance of obligations going beyond the constitutional

limits nor the acceptance of any obligation to introduce judicial processes beyond those prescribed under the Constitution. In the subsequent dialogue between Jamaica and the Committee, the reservation had been regarded as applying primarily to article 4 of the Convention. According to paragraph 19 of its previous report, considered in 1985 (CERD/C/117/Add.4), Jamaica was in the process of preparing legislation that would have the effect of conforming to the requirements of article 4 of the Convention. During consideration of the previous report, the Committee had urged Jamaica to introduce legislation ensuring implementation of article 4, provide information on implementation of article 5 and submit more detailed demographic data.

7. In 1993, the Committee had considered the situation in Jamaica on the basis of the 1985 report and without a new report but with the participation of a representative of that country, who, announcing his Government's intention to adopt legislation that would enable it to withdraw its reservation to that article, had noted that that legislation had not yet been adopted and had referred to the need for an amendment to section 24 of the Constitution. The Committee had reiterated its request for information on implementation of article 5, in particular with regard to the poorest segments of the population.

8. As the fifteenth report (CERD/C/383/Add.1) did not contain much material on the implementation of the Convention, he informed members that the situation in Jamaica had been considered by the Human Rights Committee, which in its concluding observations of 1997 had noted with the utmost regret Jamaica's notification of denunciation of the Optional Protocol to the International Covenant on Civil and Political Rights and had also referred to the incidence of violence against women, substandard prison conditions, legislation allowing corporal punishment of children and the fact that not all persons condemned to death had had a proper legal defence. In 2001, the Committee on the Elimination of All Forms of Discrimination against Women had expressed concern at the slowness of legal reform relating to anti-discriminatory legislation. The Committee on the Rights of the Child had drawn attention to instances of exploitation and corporal punishment of children, and in its 2001 report, Amnesty International had cited cases of police brutality and torture, poor prison conditions and the problem of the death penalty.

9. In that connection, he said that on 29 September 2000, the High Commissioner for Human Rights had written to the Prime Minister of Jamaica expressing her regret about Jamaica's withdrawal from the American Convention on Human Rights, which made provision for allowing persons sentenced to death to appeal. The High Commissioner had noted that 44 persons had been awaiting execution at the time and that Jamaica's withdrawal from the American Convention on Human Rights deprived them of the right to further legal defence. Replying to Ms. Robinson in a letter dated 21 October 2000, the Prime Minister of Jamaica had stressed that every State had sovereignty for deciding measures of punishment for persons who had committed serious criminal offences and assured her that the administration of justice in Jamaica was in keeping with the highest standards.

10. The fifteenth periodic report contained interesting information on the demographic composition of the population, the economic situation of the country and its political system. The Committee would like to learn more about the powers of the various branches of *Government with regard to the implementation of international human rights conventions.*

What recourse was available to persons who had been sentenced to death? He also sought further information on section 24 of the Constitution, which provided specific protection against discrimination on grounds of race (para. 27 of the report), and on the activities of the Public Defender (para. 30).

11. As no specific cases had been cited with regard to violations of rights through racial discrimination (para. 52), the Committee would be grateful for detailed information on standards and procedures for protecting the population against acts of racial discrimination. He also asked the delegation about Jamaica's overall policy with regard to international human rights instruments, in particular the Second Optional Protocol to the International Covenant on Civil and Political Rights, and regional human rights instruments, including the American Convention on Human Rights. Any national procedures for protecting against racial discrimination interacted with and were additional to international procedures. He also requested further information on legislation and on whether or not there were any tensions among Jamaica's various ethnic groups.

12. Mr. SICILIANOS said that Jamaica had followed up some of the requests for information, in particular regarding the demographic and socio-economic situation and regarding economic, social and cultural rights, but on the whole, the fifteenth periodic report had left most of the Committee's questions unanswered. He would like to know the real reasons why Jamaica had not introduced any legislation on the basis of article 4 of the Convention. Jamaica's reservation to article 4 was so general that it could even be interpreted as extending to other provisions, whereas the Vienna Convention on the Law of Treaties stipulated that reservations must refer to specific provisions and be specific in nature.

13. With regard to implementation of article 5 of the Convention, section 13 of the Constitution, as stated in paragraph 40 of the report, provided the right to security of persons against violence or bodily harm inflicted by government officials. He asked whether specific legislation existed giving concrete form to that section, thus allowing a judge to impose sanctions against an official guilty of such acts. The same question applied to section 15 of the Constitution.

14. Concerning implementation of article 6 of the Convention, he noted that if an offender was a government official, a complaint could be lodged with the Public Defender, who could investigate the complaint and make a recommendation to Parliament (para. 46 of the report). That seemed to suggest that in cases in which the offender was a government official, the Public Defender did not have a decision-making power, but could only make recommendations. If that was the case, how effective was such recourse?

15. Turning to implementation of article 7 of the Convention, paragraph 47 stated that admission as a student to a public education institution could be refused on any grounds approved by the Minister. That was a very general wording, and the Minister in question appeared to have virtually unlimited discretionary power. Could the delegation provide more information on the Minister's prerogatives in that area? With regard to education and teaching (para. 48), he asked whether there were special courses in human rights. How were Jamaican children taught human rights principles?

16. Mr. VALENCIA RODRIGUEZ, referring to the demographic data contained in the report, observed that the approximately 42.5 per cent of households were headed by women. He would welcome more information on the different ethnic origins of those single-parent families and asked whether they were truly able to exercise their civil, social, economic and cultural rights. How did the 24 per cent illiteracy rate affect particular ethnic groups? What was the effect on the various ethnic minorities of the economic problems facing the country, including heavy foreign debt?

17. Turning to information provided concerning the general legal framework, he asked for further details on the mandate of the Public Defender, especially in relation to complaints of racial discrimination that might arise in the future. In addition to the information provided in the report with respect to article 2 of the Convention, he would welcome some socio-economic indicators relating to the main ethnic minorities. The fact that the Constitution forbade racial discrimination and laid down judicial procedures in the event of violations would not suffice. He recalled that the provisions of article 4 of the Convention were binding on all States parties and that adequate legislation must be enacted even in States parties which denied the existence of racial discrimination, at least for preventive purposes.

18. The report contained scant information on article 5, and he recommended that in its next periodic report Jamaica should provide details concerning all the rights covered by the article. With respect to article 6, he drew attention to information in paragraph 29 concerning the different judicial organs and relevant provisions of the Constitution providing effective remedies against racial discrimination. According to paragraph 52, no cases relating to racial discrimination had been brought before the courts. He requested the State party to keep the Committee informed of any relevant developments, particularly in connection with the Public Defender. Referring to paragraph 47, he sought clarification as to the other grounds on which the Minister could refuse a person admission to a public education institution, given that presumably such grounds were not related to race, ethnic origin or nationality.

19. Mr. AMIR said that, if the information contained in the report was correct, the growth rates for the population, the economy and GDP were all equally low, unlike in many developing countries, where the rate of population growth far exceeded that of economic growth. He sought clarification regarding the problems of under-registration referred to in paragraph 15. Did it mean under-registration of births or deaths? In the former case, how could the basic human and civil rights of the unregistered children be guaranteed? It might be a significant piece of information in the overall picture of Jamaica's failure to comply fully with the provisions of the Convention.

20. Mr. de GOUTTES, referring to the Country Rapporteur's comment about the need to guarantee full enjoyment of the rights under article 5, recalled that in its concluding observations concerning Jamaica's fifth to seventh periodic reports the Committee had highlighted the need for more socio-economic indicators in connection with the non-integration of certain sectors of the population. It had also drawn attention to the disproportionately high number of unemployed, criminals, alcoholics and drug addicts among the ethnic minorities. Nonetheless, the report under consideration alleged that there was no discrimination on the grounds of race or gender (paras. 33 and 34). As a result there was no specific legislation relating to racial

discrimination (para. 37) and no relevant cases had thus far been brought before the courts (para. 52). That information did not meet the Committee's requirements under article 4 of the Convention, and he endorsed Mr. Valencia Rodriguez's comments concerning the need for legislation, at least as a preventive measure. The absence of complaints did not necessarily mean that racial discrimination did not exist, but instead might imply that citizens were not sufficiently well-informed about their rights, were too frightened to complain or did not trust the police and the judiciary. Perhaps there were hidden statistics on the problem of racial discrimination?

21. According to information provided by the Office of the High Commissioner for Human Rights, many Jamaicans suffered from double discrimination, in the sense that those infected with HIV/AIDS tended to belong to the most disadvantaged sectors of the population. Since that problem had been highlighted in the Declaration and Programme of Action adopted at the World Conference against Racism, he sought further details from the delegation in that regard.

22. Mr. TANG Chengyuan said that paragraphs 27, 29 and 46 of the report described the constitutional provisions that guaranteed protection against and remedies for dealing with racial discrimination. Despite the State party's claims that the problem of racial discrimination did not exist, given the many different ethnic groups in the country there was no guarantee that racial or religious prejudices leading to incitement to racial hatred might not emerge in future. How would such problems be dealt with in the absence of specific legislation? He would welcome more information regarding the composition of the judiciary, and in particular whether the various ethnic minorities were duly represented. He also asked for details concerning the situation of refugees, asylum-seekers and migrant workers in the State party.

23. Mr. THORNBERRY, referring to Jamaica's national motto "Out of many one people", asked who exactly the many were. Were they the many in historical terms that had intermingled over the centuries to produce one nation or the many different groups in present-day Jamaica deemed to constitute one people? Jamaica's motto was not inconsistent with the recognition of ethnic identity; many countries valued cultural diversity within an overall framework of national unity. An understanding of how Jamaicans defined themselves would help to clarify some of the basic concepts underlying the report. Clearly there was some consciousness of race and ethnicity, as borne out by relevant legal provisions, Jamaica's stance at the Durban Conference and its annual commemoration of the International Day for the Elimination of Racial Discrimination. For example, would the statement made by the Prime Minister at such events focus on issues related to racial discrimination inside or outside Jamaica? Was it considered that drawing attention to ethnic diversity in Jamaica would not prove helpful?

24. Ms. JANUARY-BARDILL welcomed the re-establishment of a dialogue with Jamaica. Had any non-governmental organizations (NGOs) or statutory bodies been set up to maintain the apparently peaceful coexistence between different ethnic groups in Jamaica? To what extent did the Government cooperate with NGOs, in the light of recommendations by the Durban Conference in that connection?

25. Mr. HERNDL said that Jamaica's report was sorely lacking in information, especially with respect to legislation. That was highly regrettable, particularly in view of the long interruption in the dialogue between the State party and the Committee, and it begged the question as to whether any effort had really been made to comply with the Committee's

guidelines on the form and contents of reports. He hoped that Jamaica would consider making the declaration under article 14 of the Convention. The Government had no grounds to fear taking such a step, given its claims that racial discrimination did not pose a problem. He was aware, however, that the State party had recently withdrawn from the Optional Protocol to the International Covenant on Civil and Political Rights on account of specific legal problems, which it was unwilling to resolve and which did not bode well for its acceptance of the article 14 procedure. He also appealed to Jamaica to ratify the amendment to article 8, paragraph 6, of the Convention relating to financial matters, which had been unanimously adopted by States parties in 1992 and subsequently endorsed by the United Nations General Assembly.

26. Mr. ABOUL-NASR said that the history of Jamaica was similar to that of many Central and South-American States: arrival of the Europeans; genocide of the natives; introduction of African slavery; exploitation of the land. It was not necessarily the minority that was the victim of racial discrimination; sometimes precisely the opposite occurred. He would therefore be interested to know what percentage of the land in Jamaica was owned by the white minority, which accounted for less than 1 per cent of the population. Also, to what extent did that minority control the economy?

27. Mr. SMITH (Jamaica) thanked all Committee members for the many questions raised. Although he did not necessarily endorse the premise of some of the questions, he recognized that they reflected the Committee's genuine interest in ascertaining the real situation in Jamaica. He would therefore do his utmost to provide replies in the short time available.

28. The CHAIRMAN pointed out that if the delegation was unable to reply to all the questions at the following meeting, it could incorporate the information requested in its sixteenth periodic report.

29. The delegation of Jamaica withdrew.

Review of the implementation of the Convention in States parties whose reports are seriously overdue

Saint Vincent and the Grenadines (HRI/CORE/1/Add.36)

30. Mr. THORNBERRY, explaining that the State party had been unable to send a delegation to address the Committee and had not submitted a report, said that he would present the Committee with some information on the situation in the country and request guidance for the drafting of concluding observations. The islands comprising Saint Vincent and the Grenadines had been inhabited by Carib Indians in the fifteenth century, when they were first placed on international maps, and had become a British crown colony in 1789, obtaining autonomy in 1969 and independence 10 years later. The country had established close links with neighbouring States through a common currency and a shared system of administration of justice. It was a member of the British Commonwealth. The population of 30,000 was composed mainly of the descendents of black slaves who had been sent to work on plantations. There were also white, Carib Indian, East Indian and mixed-race minorities.

31. The initial report had consisted of a single paragraph which had stated that the fabric of society was not conducive to racial discrimination. It had been submitted to the Committee in 1983 and had been considered in 1984, without the participation of a representative of the State party. The Committee had then observed that the initial report had not complied with the requirements of article 9, had regretted the absence of information in the report and had informed the State party of the availability of technical assistance from the United Nations. Subsequently, reviews of implementation had been carried out in 1992 and 1996. In 1992 the Committee had noted that some of the ethnic groups were over-represented at the lower income levels, and had indicated that the members of some minorities had reportedly considered that they had been subjected to racial discrimination. It had further noted that some instances of racial strife had occurred, had reminded the State party of its obligation to report and had drawn the Government's attention once again to the availability of technical assistance. In 1996 the Committee had welcomed the submission of the core document, and had once more reminded the Government of the availability of technical assistance.

32. The Government had in October 2001 submitted a comprehensive report to the Committee on the Rights of the Child (CRC), and had also presented a report to the Committee on the Elimination of Discrimination against Women. The report to CRC contained a section on non-discrimination, which stated that there was an indigenous population of Carib Indian origin and that children were not denied the right to practice their own culture. According to the report, the Constitution did not provide for freedom from discrimination on the grounds of religion or ethnicity. Primary education was not compulsory in the country.

33. In the light of the lack of relations with the State party and its recent presentation of reports to other treaty bodies, the Committee should adopt a more indulgent approach than the ones it had taken in respect of certain other States that had not submitted reports.

34. Mr. Diaconu took the Chair.

35. Mr. de GOUTTES acknowledged that the situation was less serious than in the case of other States considered at the current session, but noted that nearly 10 years had passed since the Committee had issued concluding observations. The Committee should reiterate what it had said in its previous concluding observations and should note that relations between the various ethnic groups might give rise to conflicts.

36. Mr. TANG Chengyuan said that the situation was very similar to the one the Committee had dealt with some 10 years earlier, with the significant difference that the State party had in the meantime submitted a comprehensive report to CRC. The Government was indeed making an effort to report to the treaty bodies, a fact which could be the basis for establishing a dialogue. It was possible that Saint Vincent and the Grenadines lacked the resources to send a delegation to Geneva. Many small States faced the same problem. The Committee should therefore consider holding a session in New York, where such countries maintained permanent missions.

37. The CHAIRMAN noted that such a suggestion had been made in the past, but that the United Nations General Assembly had not accepted it.

38. Mr. KJAERUM agreed with Mr. Tang Chengyuan that the Committee should adopt a positive approach and reach out to the Government of Saint Vincent and the Grenadines. It would be important in that connection to mention the Durban Declaration and Programme of Action as a basis on which to build an open and constructive dialogue. Often, if a State did not have a permanent mission in Geneva, its interests were defended by another representation. As for the possibility of holding meetings in New York, could the Committee members or the Secretariat provide information on the history of the venue of the Committee's meetings? Why and when had they been transferred to Geneva?

39. Mr. HERNDL, endorsed the idea of holding meetings in New York, as that would facilitate the dialogue between the Committee and States parties, especially those in the Caribbean and Central America, which lacked resources. The General Assembly had rejected that idea on financial grounds, but the cost difference would be limited. Most importantly, article 10, paragraph 4, of the Convention stated explicitly that the meetings of the Committee "shall normally be held at United Nations Headquarters". He asked the Secretariat to inform the Committee when the decision had been taken to transfer the Committee's meetings to Geneva, and for what reason. The Committee should enlist the support of certain delegations in the Fifth Committee of the General Assembly to push for approval of a session in New York.

40. Mr. PILLAI endorsed the proposal by Mr. Thornberry to adopt a more lenient approach towards the Government of Saint Vincent and the Grenadines than it had with certain other States. The failure to submit a report might be the result of a lack of competent personnel or a lack of resources. The Committee might recommend that a technical cooperation mission should be sent by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to address such issues.

41. Ms. JANUARY-BARDILL supported the suggestions made by Mr. Herndl. It was a source of great frustration that there was no permanent mission in Geneva with which to establish a dialogue. She further drew attention to the fact that the Governments of some of the countries that failed to report to the Committee had in fact, as in the case of Saint Vincent and the Grenadines, submitted reports to other treaty bodies. She therefore doubted that the issue was one of competence, and posited that it must be one of capacity. It would indeed be difficult for a small country to prepare two or three reports at the same time. Perhaps the Committee should consider the possibility of sending some of its members to the countries in question so as to gain first-hand knowledge of the situation there.

42. The CHAIRMAN invited Mr. Thornberry to draft the concluding observations for Saint Vincent and the Grenadines.

43. As for the idea of holding a session in New York, he pointed out that the Fifth Committee and the Committee on Conferences of the General Assembly had refused to allocate funding and facilities for such a session. He felt that to substantiate a renewed request, the Committee would do well to refer to its enhanced role following the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) and the adoption of the Durban Declaration and Programme of Action. Mr. Sherifis, the previous Chairman, had raised the issue at the meeting of States parties in January 2002, but no decision had been forthcoming. While the delegation of the United States of America had expressed reservations about the financial

implications, the delegation of Syria had expressed support for the holding of a session in New York, as it would facilitate a dialogue with countries lacking resources. However, there had apparently been a lack of interest in supporting such a move.

44. Mr. ABOUL-NASR felt that the responsibility for the fact that the Committee had not been able to hold a meeting in New York lay squarely with OHCHR. The Convention stipulated that meetings were to be held there. There was no reason for the Committee to be based in Geneva, where access to the world press and members of permanent missions was more restricted. The Convention was not a United Nations institution, and the competence of the Fifth Committee and the General Assembly to take such decisions was therefore doubtful.

45. Mr. LINDGREN ALVES said that on the basis of conversations he had held with delegations at the General Assembly, he felt that it would be most useful to call for an informal meeting during the Assembly. Representatives of the Secretariat, perhaps including the United Nations High Commissioner for Human Rights, the Chairman and a few key delegations from the smaller States and from major contributors to the United Nations budget could thus discuss the reasons behind the Committee's request. The Fifth Committee was always under enormous pressure to save every penny. It would be essential to present concrete material, for example a firm deadline and promises for the submission of reports from some of the smaller States, in order to put forward a persuasive argument.

46. The CHAIRMAN suggested that the Committee might take a decision to hold the session in March or August of 2003 in New York and schedule that session to hear presentations of reports by small countries. At the same time it would have to request that reports actually be submitted for those dates.

47. Mr. ABOUL-NASR felt that it would be useful to send a letter to the United Nations High Commissioner for Human Rights informing her of the Committee's intentions in that regard.

48. Mr. SHAHI agreed that the Convention was not an offshoot of the United Nations. The Committee was in some respects in the position of an orphan, left to its own devices. Its meetings had been shifted to Geneva because at the time there had been a financial crisis, which had been triggered by the refusal of the United States Government to pay its arrears, representing 25 per cent of the budget. It had been calculated that the move would save about US$ 50,000 per session. The real problem resided with the States parties, which would not support the Committee's request.

49. Mr. de GOUTTES requested clarification as to whether the Committee would request that just one session be held in New York, or that sessions be held regularly there. He would abstain from any vote on the matter, but certainly would not oppose a decision by the Committee to request that a meeting be held in New York.

50. Mr. AMIR asked whether the amendment to article 8 of the Convention might constitute another factor to be taken into consideration when discussing the question of meeting in New York.

51. The CHAIRMAN replied that the answer was not simple. In pursuance of that amendment, the Committee's expenses would be completely borne by the United Nations, an argument which would be seized upon by those States which were keen to reduce expenditure, but in fact the Convention stated that the Committee should meet at United Nations Headquarters.

52. Mr. HERNDL said that he supported the Chairman's proposal to hold at any rate one meeting in New York and to group together the reports of small, western hemisphere countries for examination on that occasion. The current situation was anomalous, since both the Convention and the Committee's Rules of Procedure stipulated that the Committee should meet at Headquarters. Moreover, he did not believe that it would cost a great deal more to convene in New York.

53. The CHAIRMAN requested Mr. Thornberry to draft a paper explaining the background and mentioning the Durban Conference.

54. Mr. THORNBERRY requested assistance from fellow Committee members.

55. The CHAIRMAN noted that Mr. Aboul-Nasr and Mr. Herndl volunteered their help.

Papua New Guinea (CERD/C/60/Misc.27/Rev.1)

56. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that he supported decision 1 (60), because it reflected the Committee's view that the State party was in breach of its obligations under the Convention.

57. Mr. de GOUTTES drew attention to the fact that paragraph 7 of decision 5 (52), adopted in 1998, had opted for the prevention of discrimination procedure. No urgent action had, however, been taken and, while he personally believed that it should be initiated forthwith, he wished to know which approach the Country Rapporteur would prefer.

58. Mr. VALENCIA RODRIGUEZ said that although the information he had been able to gather from the Europe World Yearbook suggested that the situation in Papua New Guinea had greatly improved and that the armed conflict had ceased, the Government had not supplied the information requested of it. He was therefore a proponent of urgent action procedures.

Paragraph 1

59. Paragraph 1 was adopted.

Paragraph 2

60. Mr. ABOUL-NASR said that, in his opinion, the last sentence of the paragraph was too strongly worded. He proposed "The State party has therefore not fulfilled its obligations under article 9 of the Convention". A reference might also be made to the fact that the State party had no mission in Geneva.

61. The CHAIRMAN proposed "The Committee notes that the State party does not have a mission in Geneva".

62. Mr. RESHETOV asked what purpose was served by the last sentence.

63. Mr. ABOUL-NASR explained that the Committee wished not only to elicit a report, but also to resume its dialogue with the State party. Nevertheless it recognized that the latter was so poor that it could not afford to send a delegation to Geneva.

64. Paragraph 2, as amended, was adopted.

Paragraph 3

65. Mr. AMIR said that the paragraph contained merely the numbers of the relevant decisions, but provided no clues as to their content.

66. Mr. SHAHI pointed out that the date of decision 8 (46) was incorrect.

67. Mr. PILLAI said that he endorsed Mr. Amir's comment and that in order to make the paragraph more intelligible, a brief summary of the contents of each decision should be given.

Paragraph 4

68. Mr. AMIR said that the paragraph was too long. It ought to be couched in terms that would prompt a positive reaction and so he proposed "The Committee cordially invites the State party to submit its report ...".

69. The CHAIRMAN observed that the State party was under an obligation to report.

70. Mr. VALENCIA RODRIGUEZ commented that the State party had not presented a single report since 1984 and that the Committee was therefore fully entitled to call on the State party to comply with one of its fundamental obligations under the Convention.

71. Mr. de GOUTTES said that he was in favour of keeping the same words as those used in decision 2 (52) and of retaining the remainder of the draft paragraph.

72. Mr. AMIR said that while he had no objection to the text as it stood, he wondered if slightly different terminology might not be more conducive to obtaining the desired result. He therefore proposed that "requests" be replaced with "invites".

73. Mr. VALENCIA RODRIGUEZ said that although he had followed the pattern of wording employed in decision 2 (52), he had no objection to the word "invites".

74. Ms. JANUARY-BARDILL expressed the opinion that the Committee should not be shy about saying that it urged the State party to report.

75. Mr. THORNBERRY proposed that the last sentence of the paragraph be shortened to read "the possibility of availing itself of the technical assistance programme of the United Nations High Commissioner for Human Rights ...".

76. Paragraph 4, as amended, was adopted.

77. The CHAIRMAN, speaking as a member of the Committee, proposed an additional paragraph worded "The Committee draws the attention of the State party to the provisions of the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, according to which the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument for the elimination of racism, racial discrimination, xenophobia and related intolerance and States are urged to cooperate with the Committee in order to promote the effective implementation of the Convention". In the decision under consideration, that would constitute paragraph 5. The additional paragraph he had just proposed would then be incorporated in all concluding observations on States parties' reports in the future.

Paragraph 6 (formerly paragraph 5)

78. Paragraph 6 was adopted.

Paragraph 7 (formerly paragraph 6)

79. Mr. VALENCIA RODRIGUEZ said that the two blanks needed filling in so that the last part of the sentence should read "at its 62nd session in March 2003", in order to allow Papua New Guinea a full year to prepare its report.

80. Mr. SHAHI said that it would be illogical to allow the State party so much time and then to refer to the prevention of discrimination procedure, which was in any case the wrong term, the correct terminology being "early warning measures and urgent action procedure". Moreover there did not appear to be any emergency in the country.

81. The CHAIRMAN proposed the deletion of "under its prevention of discrimination procedure".

82. Paragraph 7 (formerly paragraph 6), as amended, was adopted.

83. The draft decision as a whole, as amended and subject to agreed drafting changes, was adopted.

The meeting rose at 6 p.m.